



General Assembly

Amendment

February Session, 2018

LCO No. 5139



Offered by:

SEN. HARTLEY, 15th Dist.

SEN. FRANTZ, 36th Dist.

REP. SIMMONS, 144th Dist.

REP. YACCARINO, 87th Dist.

REP. REYES, 75th Dist.

To: Senate Bill No. 268

File No. 389

Cal. No. 220

***"AN ACT INCREASING THE TERM LIMIT FOR LOANS UNDER
THE TARGETED BROWNFIELD DEVELOPMENT LOAN
PROGRAM."***

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 22a-133n of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2018*):

5 For the purposes of sections 22a-133n to 22a-133r, inclusive:
6 "Commissioner" means the Commissioner of Energy and
7 Environmental Protection; "person" has the same meaning as provided
8 in section 22a-2; and "environmental use restriction" means [a
9 limitation in any instrument] an environmental land use restriction or
10 notice of activity and use limitation executed and recorded as
11 prescribed in section 22a-133o, as amended by this act, the purpose of

12 which is to minimize the risk of human exposure to pollutants and
13 hazards to the environment by (1) preventing the use of specified real
14 property for certain purposes, or (2) prohibiting or requiring certain
15 activities on such property.

16 Sec. 502. Subdivision (3) of subsection (c) of section 22a-133o of the
17 general statutes is repealed and the following is substituted in lieu
18 thereof (*Effective October 1, 2018*):

19 (3) A notice of activity and use limitation recorded pursuant to this
20 subsection shall be implemented and adhered to by the owner and
21 subsequent holders of interests in the property, such owner's
22 successors and assigns, [and] any person who has a license to use such
23 property or to conduct remediation on any portion of such property
24 and, as described in subdivision (6) of this section, any prior holder of
25 an interest in the property who signs such notice of activity and use
26 limitation.

27 Sec. 503. Subdivision (6) of subsection (c) of section 22a-133o of the
28 general statutes is repealed and the following is substituted in lieu
29 thereof (*Effective October 1, 2018*):

30 (6) A notice of activity and use limitation shall not be used in any
31 area where a prior holder of interest in the property has an interest that
32 allows for the conduct of an activity that interferes with the conditions
33 or purposes described in subparagraphs (A) to (E), inclusive, of
34 subdivision (1) of this subsection, [or if such interest allows for
35 intrusion into the polluted soil] except a notice of activity and use
36 limitation may be used in an area where one or more prior holders of
37 an interest in the property have an interest that allows for the conduct
38 of an activity that interferes with the conditions or purposes of such
39 notice if such prior holder of an interest in the property agrees, by
40 signing such notice, to subject such interest to the conditions or
41 purposes described in such notice.

42 Sec. 504. Section 32-763 of the 2018 supplement to the general
43 statutes is repealed and the following is substituted in lieu thereof

44 (Effective October 1, 2018):

45 (a) There is established a remedial action and redevelopment
46 municipal grant program to be administered by the Department of
47 Economic and Community Development for the purpose of providing
48 grants to municipalities, Connecticut brownfield land banks and
49 economic development agencies for the eligible costs of brownfield
50 remediation projects, brownfield assessment projects and reasonable
51 administrative expenses not to exceed five per cent of any grant
52 awarded. A grant awarded under this section shall not exceed four
53 million dollars.

54 (b) A grant applicant shall submit an application to the
55 Commissioner of Economic and Community Development on forms
56 provided by the commissioner and with such information the
57 commissioner deems necessary, including, but not limited to: (1) A
58 description of the proposed project; (2) an explanation of the expected
59 benefits of the project in relation to the purposes of this section; (3)
60 information concerning the financial and technical capacity of the
61 applicant to undertake the proposed project; (4) a project budget; and
62 (5) with respect to a brownfield remediation project, a description of
63 the condition of the brownfield, including the results of any
64 environmental assessment of the brownfield in the possession of or
65 available to the applicant.

66 (c) The commissioner may approve, reject or modify any application
67 properly submitted in accordance with the provisions of this section.
68 In reviewing an application and determining the amount of the grant,
69 if any, to be provided, the commissioner shall consider the following
70 criteria: (1) The availability of funds; (2) the estimated costs of
71 assessing and remediating the brownfield, if known; (3) the relative
72 economic condition of the municipality in which the brownfield is
73 located; (4) the relative need of the project for financial assistance; (5)
74 the degree to which a grant under this section is necessary to induce
75 the applicant to undertake the project; (6) the public health and
76 environmental benefits of the project; (7) the relative benefits of the

77 project to the municipality, the region and the state, including, but not
78 limited to, the extent to which the project will likely result in a
79 contribution to the municipality's tax base, the retention and creation
80 of jobs and the reduction of blight; (8) the time frame in which the
81 contamination occurred; (9) the relationship of the applicant to the
82 person or entity that caused the contamination; (10) the length of time
83 the brownfield has been abandoned; (11) the taxes owed and the
84 projected revenues that may be restored to the community; (12) the
85 relative need for assessment of the brownfield within the municipality
86 or region; and (13) such other criteria as the commissioner may
87 establish consistent with the purposes of this section.

88 (d) The commissioner shall award grants on a competitive basis,
89 based on a request for applications occurring on or before October
90 first, annually. The commissioner may increase the frequency of
91 requests for applications and awards depending upon the number of
92 applicants and the availability of funding.

93 (e) If a grant recipient is not subject to section 22a-134a, such
94 recipient shall enter a program for remediation of the property
95 pursuant to either section 22a-133x, 22a-133y, 32-768 or 32-769, as
96 determined by the commissioner, except no such recipient shall be
97 required to enter such a program if the grant funds are used (1) for the
98 abatement of hazardous building materials and such recipient
99 demonstrates to the satisfaction of the Commissioners of Economic
100 and Community Development and Energy and Environmental
101 Protection that such hazardous building materials represent the sole or
102 sole remaining environmental contamination on the property, (2)
103 solely for assessment of the brownfield, or (3) as provided in
104 subsection (g) of this section.

105 ~~[(e)]~~ (f) The commissioner, in consultation with the Commissioner of
106 Energy and Environmental Protection and following the award of a
107 grant to a municipality, Connecticut brownfield land bank or economic
108 development agency pursuant to subsections (c) and (d) of this section,
109 may award an additional grant to such municipality, Connecticut

110 brownfield land bank or economic development agency to enable the
111 completion of a brownfield remediation or assessment project,
112 provided such project is identified as a priority by said commissioners
113 and such additional grant funds (1) will be used to address unexpected
114 cost overruns or costs related to remedial activities that will provide a
115 greater environmental benefit than originally proposed pursuant to
116 subsection (b) of this section, (2) do not exceed fifty per cent of the
117 original grant, and (3) will not result in more than four million dollars
118 in total grants being awarded for a single brownfield remediation or
119 assessment project.

120 [(f)] (g) The commissioner may award grants to any municipality,
121 Connecticut brownfield land bank, economic development agency or
122 regional council of governments organized under sections 4-124i to 4-
123 124p, inclusive, for the eligible costs of developing a comprehensive
124 plan for the remediation and redevelopment of multiple brownfields
125 whenever such plan is consistent with the state plan of conservation
126 and development, adopted pursuant to chapter 297, and the plan of
127 conservation and development, adopted pursuant to section 8-23, for
128 each municipality in which such brownfields are located. For purposes
129 of this subsection, "eligible costs" shall also include expenditures
130 associated with the development of any such plan for remediation and
131 redevelopment.

132 [(g)] (h) The provisions of sections 32-5a and 32-701 shall not apply
133 to grants provided pursuant to this section.

134 Sec. 505. Subsection (a) of section 12-81r of the 2018 supplement to
135 the general statutes is repealed and the following is substituted in lieu
136 thereof (*Effective October 1, 2018*):

137 (a) Any municipality may (1) enter into an agreement with the
138 owner or prospective owner of any real property to abate the property
139 tax due as of the date of the agreement for a period not to exceed seven
140 years if the property has been subject to a spill, as defined in section
141 22a-452c, and the owner or prospective owner agrees to conduct any

142 environmental site assessment, demolition and remediation of the spill
143 necessary to redevelop the property. Any such tax abatement shall
144 only be for the period of remediation and redevelopment and shall be
145 contingent upon the continuation and completion of the remediation
146 and redevelopment process with respect to the purposes specified in
147 the agreement. The abatement shall cease upon the sale or transfer of
148 the property for any other purpose unless the municipality consents to
149 its continuation. The municipality may also establish a recapture
150 provision in the event of sale provided such recapture shall not exceed
151 the original amount of taxes abated and may not go back further than
152 the date of the agreement; (2) enter into an agreement with a
153 prospective owner of any real property that is a brownfield, as defined
154 in section 32-760, or deemed by the municipality to be abandoned, to
155 forgive all or a portion of the principal balance and interest due on
156 delinquent property taxes for the benefit of [any] such prospective
157 [purchaser who has obtained an environmental investigation or
158 remediation plan approved by the Commissioner of Energy and
159 Environmental Protection or a licensed environmental professional
160 under section 22a-133w, 22a-133x or 22a-133y and completes such
161 remediation plan for an establishment, as defined in section 22a-134,
162 deemed by the municipality to be abandoned or a brownfield, as
163 defined in section 32-760] owner, provided such prospective owner has
164 agreed to (A) enter into a program for the remediation of the property
165 pursuant to section 22a-133x, 22a-133y, 32-768 or 32-769, or (B)
166 complete the investigation and remediation of the property in
167 accordance with section 22a-134a; (3) enter into an agreement with the
168 owner or prospective owner of any real property to fix the assessment
169 of the property as of the last assessment date prior to commencement
170 of remediation activities for a period not to exceed seven years,
171 provided the [property has been the subject of a remediation approved
172 by the Commissioner of Energy and Environmental Protection or
173 verified by a licensed environmental professional pursuant to section
174 22a-133w, 22a-133x, 22a-133y or 22a-134] owner or prospective owner
175 has agreed to (A) enter into a program for remediation of the property
176 pursuant to section 22a-133x, 22a-133y, 32-768 or 32-769, or (B)

177 complete the investigation and remediation of the property in
 178 accordance with section 22a-134a; or (4) forgive all or a portion of the
 179 principal balance and interest due on delinquent property taxes for the
 180 benefit of any Connecticut brownfield land bank, as defined in section
 181 32-760, that has acquired or will acquire any real property within the
 182 municipality.

183 Sec. 506. Section 22a-1f of the general statutes is amended by adding
 184 subsection (e) as follows (*Effective from passage*):

185 (NEW) (e) Environmental impact evaluations shall not be required
 186 for actions in furtherance of the implementation of any approved
 187 program, as defined in 15 CFR Part 700, for the construction of nuclear
 188 submarines if such approved program has been given the priority
 189 rating of DX in accordance with said part on or before the effective
 190 date of this section under the United States Department of Defense
 191 Defense Priorities and Allocations System."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	<i>October 1, 2018</i>	22a-133n
Sec. 502	<i>October 1, 2018</i>	22a-133o(c)(3)
Sec. 503	<i>October 1, 2018</i>	22a-133o(c)(6)
Sec. 504	<i>October 1, 2018</i>	32-763
Sec. 505	<i>October 1, 2018</i>	12-81r(a)
Sec. 506	<i>from passage</i>	22a-1f